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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,308	02/19/2004	Gerald Richter	10541-1988	7625
29974	7590	03/17/2008		
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			EXAMINER FORD, JOHN K	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 03/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,308

Applicant(s)

RICHTER ET AL.

Examiner

John K. Ford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Applicant's response of 13-December -2007 has been carefully considered. New claims 11-20 are presented here, with claim 20 indicated as withdrawn. Claims 11-19 are rejected here.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Apparently the longitudinal axis of the vehicle extends from the front center of the vehicle to the rear center of the vehicle even though claim 11 doesn't clearly state that. Assuming that is the case, the limitation that the front side of the evaporator be generally directed laterally transverse to the vehicle longitudinal axis is not supported by the original disclosure. As the examiner understands the original disclosure (and it is not the model of clarity) the front side of the evaporator 1 shown in Figure 1 is parallel to the vehicle longitudinal axis not laterally transverse to it as is claimed in claim 11.

Secondly, there is no original disclosure to support that the console is generally in the center of the vehicle. The console is in front of the front seats of the vehicle which in most vehicles (particularly minivans) places it well in front of the center of the vehicle.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The direction of the "longitudinal axis" of the vehicle is vague. Is it the front to back longitudinal axis? Is it the side to side longitudinal axis? Is it the top to bottom longitudinal axis? Furthermore the console is in front of the front seats of the vehicle which in most vehicles (particularly minivans) places it well in front of the center of the vehicle, so that limitation appears to be not descriptive. If applicant desires the limitations "to create cold air" and "to create warm air" to be given weight some structure or "means for" recitation must be provided to make the "heating heat exchanger" and the "evaporator" positively perform these desired functions. In the absence of such, both the evaporator and heating heat exchanger will be treated as generic heat exchangers. See MPEP 2114. The longitudinal axis of the evaporator is also vague. Is it the front to back longitudinal axis? Is it the side to side longitudinal axis? Is it the top to bottom longitudinal axis? . The longitudinal axis of the heating heat exchanger is also vague. Is it the front to back longitudinal axis? Is it the side to side longitudinal axis? Is it the top to bottom longitudinal axis? The limitation that the evaporator be "vertically arranged" arranged in claim 11 is vague because in claim 13 applicant contradicts that limitation by specifying the evaporator can be angled from its "longitudinal axis" (see above critique of this nebulous limitation) by as much as 50

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degrees of arc. How can something be "vertically arranged" and be tilted over as much as 50 degrees? According, the limitation in claims 11 and 13 are vague because they are contradictory. The limitation "left and right" in regard to "air outlets" is vague. Is this intended to be left and right in relation to some axis of the vehicle or evaporator or heating heat exchanger or just right and left relative to each other? Finally, the "width" of the heat exchanger is vague. Is it the front to back width? Is it the side to side width? Is it the top to bottom width? It is unclear what the relationship is between this "width" and the longitudinal axis of the heating heat exchanger, (e.g. same direction, different direction, and, if so, what direction?). In claim 16, the "z-y" plane remains vague. What plane is that in relation to the previous claimed axes? In claim 17 it is unclear where these "directing flow channels" are in relation to some previously claimed structure. There appear to be above the mixing chamber not part of the mixing chamber. Claim 18, aside from self-evident grammar and misspellings is vague. The same problem with the limitations "left and right" critiqued above exists as well as any reasonable interrelationship to the previously claimed axes. By disclosure, the air flow through the evaporator appears to be perpendicular to the air flow through the ducts. Correct? If not explain this.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 11-198642 and JP 10-29420.

JP '642 shows all of the claimed structure (to the extent that the aforementioned limitations are clear and not ambiguous) below the air discharge section of the unit including a vertically arranged evaporator 3 laterally transverse of the vehicle axis and a heating heat exchanger 5 above it. The air channel system above heat exchanger 5 does not appear to have applicant's "separating wall."

JP '420 was explained in detail in the previous office action and that explanation is incorporated by reference here. JP '420 teaches a separating wall 33 dividing the flow to two discharges 10A and 10B. To have used the discharge structure disclosed in JP '420 (i.e. everything above heat exchanger 5 in JP '420) to replace the corresponding structure in JP '642 (i.e. everything above heat exchanger 5 in JP '642) would have been obvious to one of ordinary skill in the art to secure better air distribution to the occupants. Alternatively to have reoriented the evaporator in JP '420 to be vertical as taught by JP '642 would have been obvious to one of ordinary skill in the art.

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 10-29420 and USP 5,927,382.

To have reoriented the evaporator in JP '420 to be placed vertically in the vehicle and aligned with the vehicle axis as disclosed in USP '382 would have been obvious to have improved the protection afforded the occupants in the event of an accident.

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of the prior art rejections as applied to claims 11-19 above, and further in view of DE 19732523 (Khelifa).

Khelifa discloses trapezoidal ducts 10 and 11 in Figure 1 where they join the housing 2. To have made each of the right and left ducts 23 of JP '420 in this manner would have been obvious to one of ordinary skill in the art to advantageously accommodate air flow.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of the prior art rejections as applied to claims 11-19 above, and further in view of Sano (USP 6474406).

Sano discloses concave sides 12c and 12d in Figure 3. To have configured the evaporator housing of the prior art in this manner would have been obvious to one of ordinary skill in the art to advantageously make the unit more compact.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John K. Ford/
Primary Examiner, Art Unit 3744